

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Richard Willmar Rapatt,

Civil No. 16-4099 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

David J. Hauser, William Steward Leitch,  
Stephen Giles McGraw, and Stacy Kerlin,  
in their individual and official capacities,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated April 18, 2017. (Doc. No. 6.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

**ORDER**

1. Magistrate Judge Leo I. Brisbois's April 18, 2017 Report and Recommendation (Doc. No. [6]) is **ADOPTED**.
2. Plaintiff's Motion to Extend Time to File a Second Amended Complaint and Serve Defendants (Doc. No. [5]) is **DENIED AS MOOT**.

3. This case is **DISMISSED WITHOUT PREJUDICE** because Plaintiff's claims are barred under *Heck v. Humphrey*, 512 U.S. 477 (1994).

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: May 10, 2017

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge